



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,060	04/19/2001	Richard Gelbard	263/080	8649

7590

08/16/2004

Glenn M Kubota Esq
Morrison & Foerster LLP
555 West Fifth Street Suite 3500
Los Angeles, CA 90013-1024

EXAMINER

GENCO, BRIAN C

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,060

Applicant(s)

GELBARD, RICHARD

Examiner

Brian C Genco

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 and 31-33 is/are allowed.
- 6) ☒ Claim(s) 21-27, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Allowable Subject Matter

Claims 1-20 and 31-33 are deemed allowable over the prior art of record, the reasons for allowance are as follows:

In regards to claim 1 the prior art of record does not disclose nor fairly suggest a viewfinder for mounting on a camera having a video signal tap, comprising:

a support base assembly for mounting on the camera to extend forwardly and laterally of the camera;

a pivot member pivotally connected to said support base assembly for selectively pivoting about a laterally extending axis, said pivot member having electrical wires from a connection to the video signal tap of the camera for transmitting video signals from the camera; and

a pivot locking mechanism on said pivot member and support base assembly for selectively locking said pivot member to said support base to prevent pivoting therebetween;

a viewing module releasably connected to said pivot member for extending rearwardly along a side of the camera, said viewing module having a CRT facing rearwardly and an eyepiece extending rearwardly for viewing said CRT; and

cooperating and releasable electrical connectors on said pivot member and said viewing module for transmitting video signals from said pivot member to said viewing module.

Claims 2-20 depend from claim 1.

In regards to claim 31 the prior art of record does not disclose nor fairly suggest a viewfinder for mounting on a top-front portion of a camera having a video signal tap, comprising:

a support base assembly for mounting on the top-front portion to extend forwardly and laterally of the camera, said support base assembly having means for allowing substantial longitudinal and lateral adjustment of the viewfinder;

a pivot member pivotally connected to said support base assembly for selectively pivoting about a laterally extending axis, said pivot member having electrical wires from a connection to the video signal tap of the camera for transmitting video signals from the camera;

a pivot locking mechanism on said pivot member and support base assembly for selectively locking said pivot member to said support base to prevent pivoting therebetween;

a viewing module releasably connected to said pivot member for extending rearwardly along a side of the camera, said viewing module having a CRT facing rearwardly and an eyepiece extending rearwardly for viewing said CRT, and said viewing module including controls for operating said CRT positioned on an outer surface of said viewing module;

a bayonet locking mechanism releasably connecting said viewing module to said pivot member, said bayonet locking mechanism having a rotatable lock for connecting and disconnecting said viewing module to and from said pivot member without rotating said viewing module relative to said pivot member; and

cooperating and releasable electrical connectors on said pivot member and said viewing module for transmitting video signals from said pivot member to said viewing module.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 21, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 5,321,456 to Yoon) in view of (USPN 4,963,987 to Ichiyoshi et al.).

In regards to claim 21 Yoon discloses a viewfinder for mounting on a camera having a video signal tap (e.g., element 30), comprising:

a support base assembly for mounting on the camera to extend laterally of the camera (e.g., the base element 2 as depicted in Figs. 1 and 2 wherein as shown the base element 2 extends laterally of the camera, namely having support members laterally spaced);

a pivot member pivotally connected to said support base assemble for selectively pivoting about a laterally extending axis (e.g., pivot member 4 depicted in Fig. 4 that pivots about the axis created by element 6 which extends laterally);

a viewing module releasably connected to said pivot member for extending rearwardly along a side of the camera, said viewing module having a display facing rearwardly and an eyepiece extending rearwardly for viewing said display (e.g., element 20 of Fig. 1; column 2, lines 15-21); and

an electrical connection from the video signal tap of the camera to said viewing module for transmitting video signals from the camera to said viewing module (e.g., element 30 of Fig. 1).

Yoon does not disclose nor preclude that the viewing module has a CRT display. Examiner notes that it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a CRT display since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Examiner notes that Ichiyoshi discloses that CRT viewfinders are frequently used (column 2, lines 17-19), and further discloses a CRT element 38 depicted in Fig. 16 is utilized in the viewfinder element 12 of Figs. 9-11, 14, and 15. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized an electronic CRT viewfinder as disclosed by Ichiyoshi since CRT viewfinders are frequently used and in order to alleviate the complexity of utilizing an optical viewfinder in a rotatable viewfinder and in order to enable superimposition of information necessary for shooting (column 2, lines 13-21).

Yoon further does not disclose nor preclude a pivot locking mechanism on said pivot member and support base assembly for selectively locking said pivot member to said support base to prevent pivoting therebetween. Ichiyoshi discloses a lock mechanism in order to enable setting the position of the viewfinder with respect to the camera to desired positions (column 5, lines 36-65; Fig. 6). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized Ichiyoshi's locking mechanism in order to enable setting the position of the viewfinder with respect to the camera to desired positions.

In regards to claim 26 Examiner notes that the cable element 30 of Fig. 1 is an extension member releasably connected between said pivot member and said viewing module. In particular, as shown in Figs. 1 and 2 when the viewfinder is detached the cable is between the pivot member element 4 and the viewing module element 20. Examiner notes that Yoon discloses the cable is wound in a known manner (column 2, lines 49-51), wherein the cable is releasable, namely it can be unwound and extended as shown in Fig. 1.

In regards to claim 27 Yoon further discloses that said extension member comprises a rigid member of a fixed length in the gripper element 34 of Fig. 5 wherein the gripper element 34 is between the pivot member and viewing module, namely the upper portion of the viewing module as shown in Fig. 5. As such, the combination of elements 30 and 34 comprise the extension member.

Claims 23, 24, 25, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 5,321,456 to Yoon) in view of (USPN 4,963,987 to Ichiyoshi et al.) in further view of (USPN 5,767,906 to Toyofuku et al.).

In regards to claim 23 neither Yoon nor Ichiyoshi disclose nor preclude wherein said support base assembly further comprises a pair of cooperating dovetail slot members extending in a lateral direction relative to the video camera for a substantial distance for allowing a substantial lateral adjustment of the position of the viewfinder relative to the camera.

Toyofuku discloses a viewfinder mounting, or base assembly, for adjustable movement in a common plane in two directions perpendicular to each other (column 1, lines 9-11). This is accomplished through a mount foot 401 slidably engaged in the slide groove 402 of the mount shoe 400 wherein the transverse position of the viewfinder relative to the camera body in the direction perpendicular to the camera aiming direction can be adjusted by loosening the lock ring 403 and then moving the viewfinder in a direction laterally of the camera body (column 2, lines 7-37; Figs. 6 and 7). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the prior art mounting method disclosed by Toyofuku on Yoon's camera so as to enable adjustable movement and setting of the viewfinder in a lateral and longitudinal direction.

In regards to claim 24 see Examiner's notes on the rejection of claim 23. Note column 1, line 54 – column 2, line 16 and column 2, lines 37-43.

In regards to claim 25 see Examiner's notes on the rejections above. Note that the claimed bores are illustrated in Figs. 6 and 7 as the bores that elements 201A and 201B slide through.

In regards to claim 29 see Examiner's notes on the rejection of claims 23 and 26.

In regards to claim 30 see Examiner's notes on the rejection of claims 24-26.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 5,321,456 to Yoon) in view of (USPN 4,963,987 to Ichiyoshi et al.) in further view of (USPN 4,682,240 to Bachmann).

In regards to claim 22 neither Yoon nor Ichiyoshi disclose nor preclude the viewing module includes CRT controls on an outer surface for manually controlling the CRT.

As is known in the art Bachmann discloses operating knobs for a viewfinder located close to the screen thereof (column 2, lines 26-28). Therefore it would have been obvious to have included control knobs on Yoon's viewfinder element 20 in order to have enabled manual operation of the viewfinder if necessary.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 2615

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco
Examiner
Art Unit 2615

August 9, 2004



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600